

FOR THE SOUTHERN DISTRICT OF ILLINOIS

DENNIS L. HALL, )  
2244 C.R. 523 )  
Poplar Bluff, MO 63091 )  
 )  
Plaintiff, )  
 )  
vs. ) Cause No:  
 )  
UNION PACIFIC RAILROAD COMPANY, ) JUDGE:  
SERVE: The Corporation Company )  
Registered Agent )  
120 S. Central Ave. ) CLERK TO ISSUE SUMMONSES  
St. Louis, MO 63105 )  
 )  
Defendant. )

**COMPLAINT**

**COUNT I**

Now comes the plaintiff, Dennis L. Hall, by his attorneys, Holland, Groves & Schneller, L.L.C., and for his cause of action against the defendant, Union Pacific Railroad Company, a corporation, alleges as follows:

1. That this action is being brought against the defendant, Union Pacific Railroad Company, a corporation, pursuant to the provisions of the Federal Employers' Liability Act, Title 45 U.S. Code, Section 51, et seq.
2. That at all times hereinafter mentioned, the defendant, Union Pacific Railroad Company, a corporation, was a common carrier in interstate transportation and commerce by railroad.
3. The defendant, Union Pacific Railroad Company, a corporation, was involved in business throughout the Southern District of Illinois, and did have tracks in the Southern District of Illinois.

4. At all times pertinent hereto, the plaintiff, Dennis L. Hall, was employed by the defendant, Union Pacific Railroad Company, a corporation, an engineer, and was engaged by the defendant, Union Pacific Railroad Company, a corporation, in the furtherance of its business interests and movement of freight in interstate and foreign commerce within the meaning of the Federal Employers' Liability Act, 45 U.S.C. § 51 et seq.

5. At all times relevant herein, the plaintiff, Dennis L. Hall, resided at 2244 C. R. 523, Poplar Bluff, MO, Butler County, Illinois.

6. This Court has proper jurisdiction as established pursuant to 45 U.S.C. §56.

7. At all times pertinent hereto, the property, equipment, materials and operations involved in the injuries sustained by the plaintiff, Dennis L. Hall, were owned by the defendant, Union Pacific Railroad Company, a corporation, and/or was under the direct and exclusive control of the defendant, Union Pacific Railroad Company, a corporation, its servants, agents and/or employees.

8. That throughout the time the plaintiff, from approximately 1974 to present, Dennis L. Hall, was employed by the defendant, Union Pacific Railroad Company, the plaintiff, Dennis L. Hall, was required to make highly repetitive back motions and activities and was required to work with equipment which had excessive vibration, stress, and placed his back in awkward positions, causing plaintiff's back and lower extremities to be injured and exposed to repetitive trauma and requiring medical treatment.

9. Plaintiff states that his injuries and damages resulted in whole or in part from the negligent acts or omissions of the defendant in one or more of the following particulars:

- a) Defendant failed to provide plaintiff with a reasonably safe place to work; or
- b) Defendant failed to provide reasonably safe conditions for work; or
- c) Defendant failed to provide reasonably safe methods of work; or
- d) Defendant failed to enact a comprehensive ergonomics program; or
- e) Defendant failed to provide a reasonably safe chair for plaintiff to work in.

10. As a result, in whole or in part, of the aforementioned conduct of the defendant, the plaintiff was caused to suffer the following serious, painful, and permanent injuries, to-wit: Plaintiff suffered injuries to his back, among other things; Plaintiff suffered and will continue to suffer pain and mental anguish; Plaintiff was caused to undergo medical treatment, tests, therapy and will require future medical treatment; Plaintiff has lost wages, fringe benefits and will in the future lose further such wages and fringe benefits and/or loss of earning capacity; Plaintiff has expended or obligated himself for necessary and reasonable medical expenses and hospital care and will in the future be caused to expend further such sums for medical treatment and, possibly, surgery. Plaintiff has suffered pain and suffering and will in the future have pain and suffering as a result of defendant's negligence. Plaintiff's ability to work, labor, and enjoy the normal pursuits of life has been impaired and lessened all to plaintiff's damage.

Wherefore, the plaintiff, Dennis L. Hall, prays for a money judgment in his favor and against the defendant, Union Pacific Railroad Company, a corporation, for an amount in excess of Seventy Five Thousand Dollars (\$75,000), together with the costs and the disbursements of this action and for any further relief this Court deems appropriate.

DATED: August 02, 2006

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s/GERARD B. SCHNELLER - 6205863  
HOLLAND, GROVES & SCHNELLER  
300 N. Tucker Blvd., Suite 801  
St. Louis, MO 63101  
Attorneys for Plaintiffs